

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

DANESH DUBASH,

Plaintiff,

V.

**FIRST ADVANTAGE
BACKGROUND SERVICES
CORP.**

Defendant.

CIVIL ACTION

NO. _____

JURY TRIAL DEMANDED

COMPLAINT

PRELIMINARY STATEMENT

1. This is an action for damages brought by an individual consumer against Defendant First Advantage Background Services Corp., (hereafter “FADV”), for violations of the Fair Credit Reporting Act (hereafter the “FCRA”), 15 U.S.C. §§ 1681 *et seq.*, as amended.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1681p and 28 U.S.C. § 1331.

3. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

PARTIES

4. Plaintiff Danesh Dubash is an adult individual residing in Missouri City, TX.

5. Defendant FADV is a business entity that regularly conducts business in the Northern District of Georgia, and which has its headquarters and a principal place of business located at 1 Concourse Pkwy NE, Suite 200, Atlanta, GA 30328.

FACTUAL ALLEGATIONS

6. In or around January 2022, Plaintiff applied for employment with a large international professional cooperation. (“Employer”).

7. As part of his job application, Plaintiff signed documents purportedly authorizing the Employer to obtain a consumer report for employment purposes.

8. The Employer contracts with FADV to supply “consumer reports” as defined by 15 U.S.C. § 1681a(d) for employment purposes.

9. The consumer reports supplied by FADV contained information which was a matter of public record and of the type of information that was likely to have an adverse effect upon Plaintiff’s ability to obtain employment generally, and specifically with the Employer.

10. Defendant FADV has been reporting, and did here report, derogatory and inaccurate statements and information relating to Plaintiff to third parties (“inaccurate information”).

11. The inaccurate information includes, but is not limited to, “Former Employment – [] – Non-Eligible Rehire.” This notation appears on the consumer report FADV sold about Plaintiff to the Employer as follows:

- Consideration Code: Employment Termination / Non-Eligible Rehire
- Rehire Eligibility: No

12. The inaccurate information grossly disparages the Plaintiff and portrays him as an unsuitable candidate for hiring.

13. In creating and furnishing the Plaintiff's consumer report, Defendant failed to follow reasonable procedures to assure the maximum possible accuracy of the information it reported about the Plaintiff.

14. As a result, in February 2022, Plaintiff disputed the inaccuracies directly with FADV, including written proof from his previous employer that the report was inaccurate.

15. Notwithstanding Plaintiff's efforts, FADV failed to correct the inaccurate information, failed to perform a proper investigation of the disputed information, and instead, verified the inaccurate information.

16. Plaintiff was subsequently denied employment at the Employer, and Plaintiff was informed by the Employer that the sole basis for these denials was the inclusion of the inaccurate prior employment information on Plaintiff's FADV consumer report, and that the inaccurate information was the sole factor for the denial.

17. As of result of Defendant's conduct, Plaintiff has suffered actual damages in the form of lost employment opportunities, lost wages, harm to reputation, and emotional distress, including humiliation and embarrassment.

18. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees who were acting within the course and scope of their agency or employment, and under the direct supervision and control of the Defendant herein.

19. At all times pertinent hereto, the conduct of the Defendant, as well as that of its agents, servants and/or employees, was intentional, willful, reckless, and in grossly negligent disregard for federal law and the rights of the Plaintiff herein.

COUNT I – VIOLATIONS OF THE FCRA

20. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

21. At all times pertinent hereto, Defendant FADV is a “person” and a “consumer reporting agency” as those terms are defined by 15 U.S.C. § 1681a(b) and (f).

22. At all times pertinent hereto, Plaintiff was a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

23. At all times pertinent hereto, the above-mentioned credit reports were “consumer reports” as that term is defined by 15 U.S.C. § 1681a(d).

24. Pursuant to 15 U.S.C. § 1681n and 15 U.S.C. § 1681o, Defendant is liable to the Plaintiff for willfully and negligently failing to comply with the

requirements imposed on a consumer reporting agency of information pursuant to 15 U.S.C. § 1681e(b) and 1681(i).

25. The conduct of Defendant was a direct and proximate cause, as well as a substantial factor, in bringing about the serious injuries, actual damages and harm to the Plaintiff that are outlined more fully above and, as a result, Defendant is liable to the Plaintiff for the full amount of statutory, actual and punitive damages, along with the attorney's fees and the costs of litigation, as well as such further relief, as may be permitted by law.

JURY TRIAL DEMAND

26. Plaintiff demands trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks judgment in Plaintiff's favor and damages against the Defendant, based on the following requested relief:

- (a) Actual damages;
- (b) Statutory damages;
- (c) Punitive damages;
- (d) Costs and reasonable attorney's fees; and

- (e) Such other and further relief as may be necessary, just and proper.

Respectfully submitted,

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Attorneys for Plaintiff

Dated: March 6, 2023